

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/(954) 797-1101

SUBJECT: Quasi Judicial Hearing: Variance
V 2-2-02 Pem-Mar Seventh Day Adventist Church/Florida Conference
Association of Seventh-Day Adventists, 3375 NW 74 Avenue/Generally located
at the northwest corner of NW 74 Avenue and Davie Road Extension.

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM: V 2-2-02 Pem-Mar Seventh Day Adventist Church/Florida Conference
Association of Seventh-Day Adventists, 3375 NW 74 Avenue (CF)

REPORT IN BRIEF:

The petitioner has requested a reduction in the required separation between houses of worship in order to construct a church facility on the subject site. There are three (3) free standing houses of worship within 2,500 feet of the site, including a church facility abutting the northern boundary of the property. An identical request was previously approved, however, due to complications related to platting requirements the petitioner was unable to gain site plan approval before the one year time limit on variances expired.

The intent of the 2,500 foot separation between free standing houses of worship required by the Land Development Code is to discourage the concentration of this use which has specific peak volume traffic impacts. The subject site has special circumstances in that it was rezoned to CF, Community Facilities District prior to the adoption of the 2,500 foot distance separation requirement. Furthermore, the Declaration of Restrictions, which was entered into at the time of the rezoning, and plat restricts the site to church use only. Therefore, without the granting of a variance the petitioner has no reasonable use of the land unless the Declaration of Restrictions and the plat are amended to permit another use. Staff notes that a site plan has been filed concurrent with this request, and the petitioner has a recorded plat. The plat will expire on April 7, 2003 unless a building permit for a principal building is issued, first inspection approval of said building is achieved, and water lines, sewer lines, drainage, and the rock base for internal roads are installed. Staff finds that granting this request will be in harmony with the general purpose and intent of the Code and will not be detrimental to the neighborhood.

PREVIOUS ACTIONS: None

CONCURRENCES:

At the April 24, 2002 Planning and Zoning Board meeting, Ms. Moore made a motion, seconded by Ms. Turin, to approve (Motion carried 3-0, Vice-Chair Bender and Mr. Waitkus were absent).

FISCAL IMPACT: None

RECOMMENDATION(S): Motion to approve

Attachment(s): Planning report, Justification letter, Land use map, Subject site map

TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation

APPLICANT INFORMATION

<p><u>Owner:</u> Name: Florida Conference Association of Seventh-Day Adventists Address: 655 North Wymore Road City: Winter Park, FL 32789 Phone: (407)644-5000</p>	<p><u>Agent:</u> Name: Pem-Mar Seventh Day Adventist Church Pastor Cornelius Gray Address: 15280 SW 47 Street City: Miramar, FL 33027 Phone: (954)431-1539</p>
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BACKGROUND INFORMATION

Date of Notification: April 17, 2002 **Number of Notifications:** 29

Application History: No deferrals have been requested.

Application Request: Variance **FROM:** Section 12-34(DD) of the Land Development Code which states, no free standing house of worship shall be located closer than twenty-five hundred (2,500) feet from any other free standing house of worship, measured from the nearest point on the nearest property line of one house of worship to the nearest point of the nearest property line of another house of worship in a straight line; **TO:** reduce the distance separation between houses of worship to zero (0) feet.

Address/Location: 3375 NW 74 Avenue/Generally located at the northwest corner of NW 74 Avenue and Davie Road Extension.

Future Land Use Plan Designation: Residential (10 DU/AC)

Zoning: CF, Community Facilities District

Existing Use: Vacant

Proposed Use: Church facility

Parcel Size: 8.7 acres (381,934 square feet)

Surrounding Uses:
North: St. Bernadette Catholic Church
South: Vacant

Surrounding Land
Use Plan Designation:
Community Facility
Commercial

East:	Multi-family dwellings Retail plaza	Residential (16 DU/AC) Commercial
West:	Multi-family dwellings	Residential (16 DU/AC)

Surrounding Zoning:

North:	CF, Community Facilities District
South:	B-2, Community Business District
East:	RM-16, Medium-High Density Dwelling District B-2, Community Business District
West:	RM-16, Medium-High Density Dwelling District

ZONING HISTORY

Previous Request on same property: The rezoning, ZB 9-3-93 Pem Mar Seventh Day Adventist Church, from RM-10 Medium Density Dwelling District to CF, Community Facilities District with a Declaration of Restrictions limiting the site to church purposes, not to include day care or child care facilities, was approved on December 15, 1993.

The plat, P 9-2-93 Seventh Day Plat, with a note restricting the plat to “35,000 square feet of church use; other church related uses, such as elementary, middle, high school, preschool or day care are not permitted without approval of the Board of County Commissioners”, was approved on December 15, 1993.

The variance, V 8-1-00 Pem Mar Seventh Day Adventist Church, reducing the distance separation between houses of worship from 2,500 to 0 feet, was approved on September 22, 2000. The variance has since expired.

APPLICATION DETAILS

The petitioner has requested a reduction in the required separation between houses of worship in order to construct a church facility on the subject site. There are three (3) free standing houses of worship within 2,500 feet of the site, including a church facility abutting the northern boundary of the property. An identical request was previously approved, however, due to complications related to platting requirements the petitioner was unable to gain site plan approval before the one year time limit on variances expired.

Applicable Codes and Ordinances

Section 12-34(DD) of the Land Development Code states, no free standing house of worship shall be located closer than twenty-five hundred (2,500) feet from any other free standing house of worship, measured from the nearest point on the nearest property line of one house of worship to the nearest point of the nearest property line of another house of worship in a straight line.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 11. This Planning Area is

bound by Stirling Road on the north, Davie Road Extension on the southeast, and University Drive on the west. The area is characterized by multi-family residential development on the south side of Stirling Road, ranging from 8 to 16 dwellings per acre. There is one single family residential subdivision developed at five dwellings per acre.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 102.

Applicable Goals, Objectives and Policies: Policy 13-2: Community Facilities may be permitted in land use categories other than Community Facilities category, provided such development is compatible with and does not adversely affect the development of surrounding land for designated purposes.

Staff Analysis

The intent of the 2,500 foot separation between free standing houses of worship required by the Land Development Code is to discourage the concentration of this use which has specific peak volume traffic impacts. The subject site has special circumstances in that it was rezoned to CF, Community Facilities District prior to the adoption of the 2,500 foot distance separation requirement. Furthermore, the Declaration of Restrictions, which was entered into at the time of the rezoning, and plat restricts the site to church use only. Therefore, without the granting of a variance the petitioner has no reasonable use of the land unless the Declaration of Restrictions and the plat are amended to permit another use. Staff notes that a site plan has been filed concurrent with this request, and the petitioner has a recorded plat. The plat will expire on April 7, 2003 unless a building permit for a principal building is issued, first inspection approval of said building is achieved, and water lines, sewer lines, drainage, and the rock base for internal roads are installed. Staff finds that granting this request will be in harmony with the general purpose and intent of the Code and will not be detrimental to the neighborhood.

Findings of Fact

Variances:

Section 12-309(B)(1):

The following findings of facts apply to the variance request.

(a) There are special circumstances or conditions applying to the land or building for which the variances are sought, which circumstances or conditions are peculiar to such land or building and do apply generally to land or buildings in the same district, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would not deprive the application of the reasonable use of such land or building for which the variances are sought, and that alleged hardship is self-created by any person having an interest in the property.

(b) The granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is not the minimum variance that will accomplish this purpose.

(c) Granting of the requested variances will be in harmony with the general purpose and

intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Staff Recommendation

Recommendation: Based upon the above and finding of facts in the positive, staff recommends **approval** of petition V 2-2-02.

Planning & Zoning Board Recommendation

At the April 24, 2002 Planning and Zoning Board meeting, Ms. Moore made a motion, seconded by Ms. Turin, to approve (Motion carried 3-0, Vice-Chair Bender and Mr. Waitkus were absent).

Exhibits

1. Justification letter
2. Land use map
3. Subject site map

Prepared by: _____

Reviewed by: _____

ZONING HEARING APPLICATION

Pem Mar Seventh Day Adventist Church
Town of Davie

GENERAL

Pem Mar Seventh Day Adventist Church currently rents a space at 7500 Davie Road Extension to observe their Sabbath on Saturdays. In excess of five years ago, the head of the Seventh Day Adventist Church within the State of Florida purchased the land for use by Pem Mar. In September/October 1999, the site was platted, subdividing it into two parcels. Parcel 'A' is to be developed into the new location for Pem Mar with Parcel 'B' being scheduled for possible sale.

The 5.5184 acre site is currently zoned CF, Community Facility. The Church proposes to construct a 32,099 square foot facility in two phases -- Phase I will include a multipurpose hall to seat 700 with a kitchen, storage, a mechanical room, toilet facilities and a community service room. Phase I will also include on site improvements such as the parking lot, site lighting, drainage and landscaping, as well as off site improvements such as paving of 74th Street, installation of a turning lane, alteration of traffic signals and sidewalks as required by the plat. Phase I includes a sign to be located at the intersection of NW 33rd Street, Davie Road Extension and NW 74th Avenue.

Phase II (the construction of which is to begin two years after the completion of Phase I) includes the construction of a Sanctuary with a baptismal pool, men's and women's robing rooms, choir room, a pastor's office with a study and conference room, offices for the treasurer, deacon, deaconesses, elders and personal ministry, a library and classrooms for Sabbath School with a covered walkway connecting it to the first Phase.

The entrance to the site is located along NW 74th Avenue, within the limits prescribed by the plat. There will be two lanes each side of the entrance and the exit of the site. A 10' - 0" utility easement runs along the west boundary of the site, while a 12' - 0" utility easement runs along the south and east boundaries of the site. Two hundred and forty seven parking spaces are required and two hundred and fifty are provided. Ten of these spaces are designed to comply with the Americans with Disabilities Act. The building has a set back to the west (rear) of 34' - 9" (25' - 0" required), to the south (street side) of 43' - 3" (25' - 0" required), to the north of 425' - 5" (25' - 0" required) and to the east (front) of 54' - 10" (50' - 0" required).

The highest building on site, the Sanctuary measures 30' - 4" (35' - 0" allowed) to the mean height of the main roof. Sabbath is observed from sundown on Friday to sundown on Saturday. Services are held in the evening on Fridays and all day on Saturday. Sabbath School is held for the children and teenagers on Saturday throughout the whole day, while the adults have service. Choir meetings and other church outreach programs will be held during the week. The pastor and treasurer will be on site throughout the week.

ZONING:

The site is zoned CF; the proposed use is CF, therefore, the church is being constructed within the zoning regulation which allows a religious facility within a CF zoning. The site is flanked by multi-family residential developments to the west and at the north portion of the east boundary. There is a commercial development with its rear facade at the south portion of the east boundary. The church currently owns a 3.2496 acre parcel to the north of the site, which is also zoned CF. The lot to the south boundary is zoned for commercial use.

There is an area with CF zoning located approximately 0' - 0" north of our site; this site is occupied by St. Bernadette Catholic Church. The address is 7450 Stirling Road, the church is accessed from Stirling Road.

There are five other churches located within 2500' - 0" of the site. They are as follows:

Faith Christian Church of Hollywood	7676 Davie Road Extension
Prince of Peace Church	7900 Davie Road Extension
Islamic Movement of Florida	3201 N. 74 th Avenue
Free Pentecostal Tabernacle Church	NW 74 th Avenue & Davie Road Extension
The First Community Church	7613 Davie Road Extension

Of these, Islamic Movement of Florida and First Community Church are not free standing churches, but are located within commercial developments. The other four, Faith Christian Church of Hollywood, the Islamic Movement of Florida Prince of Peace Church and Free Pentecostal Tabernacle Church are outside of the limits of the Town of Davie.

The proposed use will not adversely affect living conditions in the neighborhood. The church proposes community services and activities which can enhance the quality of life. The quality of the design will also enhance the neighborhood.

The church observes the Sabbath from sundown on Friday to sundown on Saturday -- this will be the period generating the greatest traffic. Davie Road Extension is currently being expanded by the Department of Transportation -- these improvements will alleviate some of the additional traffic. In addition, the conditions of the plat include the construction of a turning lane from Davie Extension Road onto NW 74th Avenue and the alteration/provision of the traffic signals. The plat also requires the installation of 5' - 0" sidewalk along NW 74th Avenue to accommodate pedestrian traffic as well as installation of 24' - 0" wide pavement along 74th Avenue (which is currently only +/- 12' - 0" wide).

There is sufficient space between the church and other parcels of land to prevent the church's activities from interfering with or adversely affecting property values and the use or development of other properties. The investment by the church, into this site will, in fact, have a positive impact. Phase I is estimated to cost \$931,825.00 and Phase II will cost \$1,500,000.00, a total investment of \$2,431,825.00

VARIANCE:

The Zoning Ordinances restrict the construction of churches to a distance in excess of 2,500' - 0" of existing churches. This development proposes to construct a religious facility within 0' - 0" of an existing church. If the town considers existing developments outside its jurisdiction, this restriction could prevent the church from being constructed on this site. Four of the churches that are within 2,500' - 0" are outside the limits of the Town of Davie two of which are not free standing structures and are not administered by its Zoning Ordinance.

The church has purchased this land and subdivided/platted it for the construction of an up to 35,000 square foot church on Parcel A.

By granting this variance, the church can be constructed; the granting of this variance is not unreasonable and will not have adverse effects on the neighborhood or the public welfare. The site occupies an odd shaped site surrounded by two walled communities, medium density multi-family residential development and the rear side of a commercial strip mall. The church will enhance the neighborhood.



PETITION NUMBER: V 2-2-02

Zoning and Aerial Map
Date: Flown: January, 2001
Scale: 1"=300'
Planning & Zoning Division - GIS
Prepared 4/10/02